

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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13 cv 3200 (CM)

JULIAN SILVA, ET AL

Plaintiffs,

v.

JOSE VAZQUEZ COFRESI, and  
HANDLE WITH CARE PRODUCTIONS, INC.

Defendants,

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JOSE VAZQUEZ

Counter-claimant,

v.

JULIAN SILVA

Counterclaim Defendant

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**MEMORANDUM OF LAW IN OPPOSITION TO Fed. R. Civ. Pro 37 MOTION TO  
STRIKE DEFENDANT'S COUNTERCLAIM AND ANSWER**

**PRELIMINARY STATEMENT**

This memorandum of law is respectfully submitted in opposition to the relief herein sought by plaintiff. It is respectfully submitted that the relief herein sought ought to be denied for the reasons hereinafter set forth in greater detail. Briefly stated the violation alleged by plaintiff is limited to Interrogatory responses 10-17, which in and of themselves are limited to discovery of Defendant's Fifth Counterclaim for Breach of Contract (Docket entry 9 page 20, paragraphs 80 - 84 and declaration of Peter Dee docket entry 41 page 6 paragraph 2b;

Defendants' wherefore clause does not make a specific demand for damages related to its fifth counterclaim. However